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PATENT APPLICATION

ATTORNEY DOCKET NO. 200313829-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John M. Koegler et al.

Confirmation No.: 8582

Application No.: 10/769,589

Examiner: ROY, Sikha

Filing Date: January 30, 2004

Group Art Unit: 2879

Title: Reflector Assembly with a Startup Element

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on May 7, 2007.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120	☐ 2nd Month $450	☐ 3rd Month $1020	☐ 4th Month $1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Rev 10/05 (ApiBrief)

Application No.: 10/769,589 Attorney Docket No.: 200313829-1

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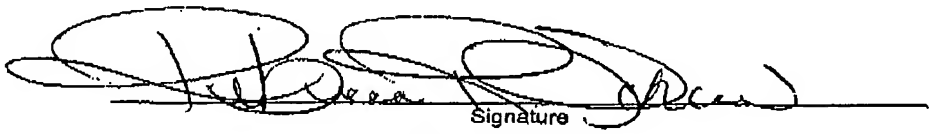

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

John M. Koegler et al.

Application No. 10/769,589

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For: Reflector Assembly with a Startup Element

Group Art Unit: 2879

Examiner: ROY, Sikha

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
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Sir:

This is an Appeal Brief under Rule 41.37 appealing the decision of the Primary Examiner dated March 14, 2007 (the "final Office Action"). Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellants are aware.

III. Status of Claims

Claims 10-22 and 31-34 were withdrawn from consideration under a previous Restriction Requirement and subsequently cancelled without prejudice or disclaimer. Thus, claims 1-9, 23-30 and 35-40 are currently pending and stand finally rejected. Accordingly, Appellant appeals from the final rejection of claims 1-9, 23-30 and 35-40, which claims are presented in the Appendix.

IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action of March 14, 2007, from which Appellant takes this appeal.

V. Summary of Claimed Subject Matter

Digital projectors, such as DMD and LCD projectors, project high quality images onto a viewing surface. Both DMD and LCD projectors utilize high intensity lamps and reflectors to generate the light needed for projection. Light generated by the lamp is concentrated as a 'fireball' that is located at a focal point of a reflector. Light produced by the fireball is then directed into a projection assembly that produces images and utilizes the generated light to illuminate the image. The image is then projected onto a viewing surface. (*Appellant's specification, paragraph 0001*).

Recent efforts have been directed to improving the cost effectiveness of the light generation assembly by coupling a startup element to the lamp. The startup element reduces the initial potential required to fire the lamp. The startup elements are typically coupled to the lamp. When the assembly is replaced, the old assembly including the startup element is discarded. Replacement of the startup element with each assembly adds further cost. (*Appellant's specification, paragraph 0004*).

Accordingly, Appellant's specification disclosed and claims a reflector assembly for use in a digital projector includes a reflector having a reflector opening defined therein, and a startup element permanently coupled to the reflector such that the reflector and the startup element are configured to allow the replaceable coupling of a lamp assembly to the reflector assembly. (*Appellant's specification, paragraph 0005*).

Claim 1 recites:

> A reflector assembly (100) for use in a digital projector, comprising:
>
> a reflector (110) including a reflector opening (140) (*Appellant's specification, paragraph 0020*), and

a startup element (130) permanently coupled to said reflector (110) (*Appellant's specification, paragraph 0020*), wherein said reflector (110) and said startup element (130) are configured to allow a replaceable coupling of a lamp assembly (220) to said reflector assembly (100) (*Appellant's specification, paragraph 0015*).

Independent claim 23 recites:

A method of forming a reflector assembly (100) used in digital projectors (*Appellant's specification, paragraph 0035*), comprising:

affixing (410) a startup element (130) to a reflector (110) such that said startup element (130) is supported at a predetermined location within said reflector (110) prior to coupling of a lamp assembly (220) with said reflector assembly (100) (*Appellant's specification, paragraph 0035*); and

coupling (420) a latching assembly (120) to an opening (140) defined in said reflector (110) (*Appellant's specification, paragraph 0036*) wherein said startup element (130) and said latching assembly (120) cooperate to allow replaceable coupling of a lamp assembly (220) to said reflector assembly (100) (*Appellant's specification, paragraph 0015*).

Independent claim 35 recites:

A reflector assembly (100) for use in a digital projector, comprising:

a reflector (110) including a reflector opening (140) (*Appellant's specification, paragraph 0020*),

a startup element (130) fixedly coupled to said reflector (110) (*Appellant's specification, paragraph 0020*),

a support structure (150), separate from a lamp assembly (220), for fixedly coupling said startup element (130) to said reflector (110), said support structure (150) being coupled to said reflector (110) and to said startup element (130) to support said startup element (103) within said reflector (110) (*Appellant's specification, paragraph 0020*),

wherein said startup element (130) is configured to receive a portion of a lamp assembly (220) that is removably coupled to said reflector assembly (100) (*Appellant's specification, paragraph 0037*).

VI. Grounds of Rejection to be Reviewed on Appeal

In the final Office Action, the following grounds of rejection were raised.

(1) Claims 1, 2, 4-8, 23-29, 35, 36, 38 and 40 were rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings of U.S. Patent No. 6,505,958 to Ooms et al. ("Ooms") and U.S. Patent No. 5,010,455 to Luallin et al. ("Luallin").

(2) Claims 3 and 37 were rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings Ooms, Luallin and U.S. Patent No. 3,733,599 to Fantozzi ("Fantozzi").

(3) Claims 9 and 30 were rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings Ooms, Luallin and U.S. Patent No. 6,078,128 to Gagnon et al. ("Gagnon")

(4) Claim 39 was rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings Ooms, Luallin and U.S. Patent No. 4,213,170 to Kimball et al. ("Kimball").

Accordingly, Appellant hereby requests review of these grounds of appeal in light of the following arguments.

VII. Argument

(1) Appellant's claims are patentable over Ooms and Luallin:

Claim 1:

Claim 1 recites:

> A reflector assembly for use in a digital projector, comprising:
> a reflector including a reflector opening, and
> a startup element *permanently coupled* to said reflector, wherein said reflector and said startup element are configured to allow a replaceable coupling of a lamp assembly to said reflector assembly.

(Emphasis added).

Appellant notes that claim 1 recites a "reflector assembly," *not a lamp assembly*, which includes a *permanently coupled* startup element. Additionally, given that the startup element is recited as being permanently coupled *to the reflector*, the claimed reflector assembly still allows a replaceable coupling with a lamp assembly. This subject matter is not taught or suggested by the prior art of record.

According to the Office Action, Ooms teaches "a startup element (starting aid) 31 *permanently* coupled (through a connection conductor 34 which passes through a [sic] opening 35 and connected to the contact member 29 provided on the reflector) to the reflector 2." (Action of 3/14/07, page 3) (emphasis added). This is a mischaracterization of what Ooms teaches.

As best seen in Fig. 2 of Ooms, the reference teaches a "starting aid 31" that "comprises an external antenna 33 .... The antenna 33 is wound a few turns around the second end portion 15 [of a lamp vessel 11]." (Ooms, col. 4, lines 27-31; *see also* Ooms, col. 3, lines 59-60). Thus, Ooms teaches a "starting aid" that is integrated with a lamp vessel (11), *not a reflector*. The lamp vessel (11) supports the starting aid (31), the antenna (33) of the starting aid (33) being disposed on, i.e., wrapped around, the lamp vessel (11). Consequently,

if the lamp vessel (11) is replaced and removed from the reflector, the antenna (33) wrapped thereon will necessarily be removed as well. Thus, Ooms does not teach or suggest a startup element that is part of, and permanently coupled to, a reflector assembly as recited in claim 1. Rather, Ooms teaches a starting aid that is integrated with a lamp assembly.

It must, therefore, be clear that the antenna (33) taught by Ooms, being disposed on the lamp vessel (11), is not *permanently* coupled to a reflector, as claimed. Rather, the antenna (33) taught by Ooms "comprises a connection conductor 34 which is passed through a further opening 35 in the reflector portion 2 and is connected to the further contact member 29 provided on the outer surface 23." (Ooms, col. 4, lines 31-34). However, as seen in Fig. 2 of Ooms, this connection (34) must be broken if the lamp assembly is removed from within the reflector, which will necessarily happen during the life of the system. Consequently, it would be unreasonable to suggest that Ooms' teaching of wrapping a starting aid on a lamp vessel and running an antenna wire through a hole in a reflector constituted "permanently" coupling the starting aid to the reflector when such connection must be broken whenever the lamp is to be replaced. Consequently, Ooms does not teach or suggest the claimed "startup element *permanently* coupled to said reflector." (Emphasis added).

Moreover, Ooms actually teaches away from the subject matter of claim 1 in which a startup element is "permanently" coupled to a reflector. As demonstrated, Ooms teaches a connection (34) which, far from permanent, must be broken whenever the lamp assembly is replaced, A reference must be considered for all it teaches, including disclosures that teach away from the invention as well as disclosures that point toward the invention. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.* 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985).

Luallin fails to remedy these deficiencies of Ooms. Luallin does not teach or suggest a startup element for a lamp, but is merely cited as teaching a replaceable lamp assembly. (Office Action of 3/14/07, p. 4).

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966), the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue. In the present case, the scope and content of the prior art, as evidenced by Ooms and Luallin, did not include or even suggest the claimed "startup element *permanently coupled* to said reflector." (Emphasis added).

The significance of this difference over the prior art is explained in Appellant's specification. In the prior art, "[t]he startup elements are typically coupled to the lamp. When the [lamp] assembly is replaced, the old assembly including the startup element is discarded. Replacement of the startup element with each [lamp] assembly adds further cost." (Appellant's specification, paragraph 0004).

Consequently, Appellant's claim 1 recites subject matter that was not within the scope and content of the prior art and which provides a distinct set of advantages over the prior art taught by Ooms and Luallin. For at least these reasons, the rejection of claim 1 should not be sustained.

In sum, the combination of Ooms and Luallin fails to teach or suggest the claimed "a startup element permanently coupled to said reflector, wherein said reflector and said startup element are configured to allow a replaceable coupling of a lamp assembly to said reflector assembly." "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). For at least

this reason, the rejection of claim 1 and its dependent claims based on Ooms and Luallin should not be sustained.

Claim 23:

Independent claim 23 recites:

> A method of forming a reflector assembly used in digital projectors, comprising:
> *affixing a startup element to a reflector such that said startup element is supported at a predetermined location within said reflector prior to coupling of a lamp assembly with said reflector assembly*; and
> coupling a latching assembly to an opening defined in said reflector wherein said startup element and said latching assembly cooperate to allow replaceable coupling of a lamp assembly to said reflector assembly.

(Emphasis added).

In contrast, the combination of Ooms and Luallin fails to teach or suggest "affixing a startup element to a reflector such that said startup element is supported at a predetermined location within said reflector prior to coupling of a lamp assembly with said reflector assembly." As described above, the combination of Ooms and Luallin teaches a starting aid (31) including an antenna (33) that is disposed on, i.e., wrapped around, a lamp (10). The starting aid (31) is removed with the lamp (10), if the lamp is to be moved or replaced.

Consequently, Ooms and Luallin clearly do not teach or suggest the claimed method including "affixing a startup element to a reflector such that *said startup element is supported at a predetermined location* within said reflector *prior to coupling of a lamp assembly* with said reflector assembly." (Emphasis added). *There is no support for the antenna (33) of Ooms within the reflector apart from the lamp (10) on which the antenna (33) is wound.* Consequently, the antenna (33) of Ooms ***cannot*** be supported at a predetermined location within said reflector *prior to coupling of a lamp assembly* with said reflector assembly, as recited in claim 23.

Again, under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966), the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue. In the present case, the scope and content of the prior art, as evidenced by Ooms and Luallin, did not include or even suggest the claimed method in which a startup element is affixed to a reflector "such that said startup element is supported at a predetermined location within said reflector *prior to coupling of a lamp assembly with said reflector assembly*." (Emphasis added).

As noted above, the significance of this difference over the prior art is explained in Appellant's specification. In the prior art, "[t]he startup elements are typically coupled to the lamp [as taught by Ooms]. When the [lamp] assembly is replaced, the old assembly including the startup element is discarded. Replacement of the startup element with each [lamp] assembly adds further cost." (Appellant's specification, paragraph 0004).

Consequently, Appellant's claim 23 recites a method that was not within the scope and content of the prior art and which provides a distinct set of advantages over the prior art taught by Ooms and Luallin. For at least these reasons, the rejection of claim 23 should not be sustained.

In other words, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Because Ooms and Luallin fail to teach the method of claim 23 supporting a startup element in a reflector prior to the addition of a lamp assembly, the rejection of claim 23 and its dependent claims based on Ooms and Luallin should not be sustained.

Claim 35:

Independent claim 35 recites:

> A reflector assembly for use in a digital projector, comprising:
> a reflector including a reflector opening,
> a startup element fixedly coupled to said reflector,
> *a support structure, separate from a lamp assembly,* for fixedly coupling said startup element to said reflector, said support structure being coupled to said reflector and to said startup element *to support said startup element within said reflector*,
> wherein said startup element is configured to receive a portion of a lamp assembly that is removably coupled to said reflector assembly.

(Emphasis added).

In contrast, as amply demonstrated above, the combination of Ooms and Luallin fails to teach or suggest any support structure as recited in claim 35 that is "*separate from a lamp assembly*" and serves "*to support said startup element within said reflector*," such that the lamp assembly can be removably coupled to the reflector assembly. As noted, the antenna (33) taught by Ooms is disposed on and is entirely supported by the lamp vessel (11).

Again, under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966), the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue. In the present case, the scope and content of the prior art, as evidenced by Ooms and Luallin, did not include or even suggest the claimed assembly of claim 35 including a support structure of a reflector assembly, *separate from a lamp assembly*, for fixedly coupling a startup element to the reflector so as "*to support said startup element within said reflector*."

As noted above, the significance of this difference over the prior art is explained in Appellant's specification. In the prior art, "[t]he startup elements are typically coupled to the lamp [as in Ooms]. When the [lamp] assembly is replaced, the old assembly including the startup element is discarded. Replacement of the startup element with each [lamp] assembly adds further cost." (Appellant's specification, paragraph 0004).

Consequently, Appellant's claim 35 recites features of a reflector assembly that were not within the scope and content of the prior art and which provide a distinct set of advantages over the prior art taught by Ooms and Luallin. For at least these reasons, the rejection of claim 35 should not be sustained.

In other words, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Because the cited prior art fails to teach or suggest the claimed support structure of claim 35, the rejection of claim 35 and its dependent claims based on Ooms and Luallin should not be sustained.

Claims 5 and 26:

Additionally, the various dependent claims of the application recite further subject matter that is clearly patentable over the prior art of record. Specific examples follow.

Dependent claim 5 recites "a structural element coupled to said reflector and said startup element; wherein said potential coupler runs along said structural element." Claim 26 recites similar subject matter. As demonstrated above, the combination of Ooms and Luallin fails to teach or suggest the claimed structural element along which a potential coupler runs, as claimed. For at least this reason, the rejection of claims 5 and 26 should not be sustained.

Claims 6 and 27:

Dependent claim 6 recites "wherein [a] potential coupler comprises a structural element for supporting said startup element." Claim 27 recites similar subject matter. In contrast, Ooms and Luallin fail to teach or suggest the claimed potential coupler that includes

a structural element for supporting the startup element. For at least this reason, the rejection of claims 6 and 27 should not be sustained.

(2) Claims 3 and 37 are patentable over Ooms, Luallin and Fantozzi:

This rejection is respectfully traversed for at least the same reasons given above with respect to independent claims 1, 23 and 35.

(3) Claims 9 and 30 are patentable over Ooms, Luallin and Gagnon:

This rejection is respectfully traversed for at least the same reasons given above with respect to independent claims 1, 23 and 35.

(4) Claim 39 is patentable over Ooms, Luallin and Kimball:

Claim 39 recites: "The assembly of claim 38, wherein said support structure comprises a rod and said potential coupler comprises a wire running along said rod," the support structure supporting a startup element.

The final Office Action concedes that Ooms and Luallin fail to teach or suggest the claimed support structure comprising a rod and a potential coupler comprising a wire running along the rod. (Action of 3/14/07, p. 7). Consequently, the Action cites to Kimball in this regard. (*Id.*). However, Kimball does not teach or suggest a startup element for a lamp and, therefore, cannot teach or suggest the claimed support structure for a startup element where the support structure comprises a rod with a potential coupler comprising a wire running along the rod.

As cited in the recent Office Action, Kimball teaches that

> Tungsten-halogen lamp 1 is double-ended, of the type shown in U.S. Pat. No. 3,242,372, for example, and is supported in parabolic reflector 2 by means of two support rods 3. Support rods 3 are connected to lead-in wires 4 at the ends of lamp 1 and to metal ferrules 5 which are glass-to-metal sealed to the back of reflector 2. At the front of reflector 2 is a transparent glass lens 6 which transmits the light emitted by lamp 1.

(Kimball, col. 1, lines 21-30).

Thus, the support rods described in Kimball support a double-ended lamp. The lead-in wires taught by Kimball power the lamp and have nothing to do with a potential coupler for a startup element. Consequently, no prior art reference cited teaches or suggests the claimed support structure for a startup element that comprises a rod with a potential coupler for the startup element comprising a wire running along the rod as claimed. For at least these reasons, the rejection of claim 39 should not be sustained.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of March 14, 2007 is respectfully requested.

Respectfully submitted,

DATE: July 3, 2007

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Rebecca R. Schow

VIII. CLAIMS APPENDIX

1. (previously presented) A reflector assembly for use in a digital projector, comprising:

a reflector including a reflector opening, and

a startup element permanently coupled to said reflector, wherein said reflector and said startup element are configured to allow a replaceable coupling of a lamp assembly to said reflector assembly.

2. (original) The assembly of claim 1, wherein said startup element comprises a coil.

3. (original) The assembly of claim 1, wherein said startup element comprises a shield.

4. (original) The assembly of claim 1, further comprising a potential coupler configured to couple said startup element to a potential source.

5. (original) The assembly of claim 4, further comprising:

a structural element coupled to said reflector and said startup element;

wherein said potential coupler runs along said structural element.

6. (original) The assembly of claim 4, wherein said potential coupler comprises a structural element for supporting said startup element.

7. (original) The assembly of claim 1, further comprising a latching assembly configured to engage a lamp header of said lamp assembly.

8. (original) The assembly of claim 1, wherein said reflector comprises a parabolic reflector.

9. (original) The assembly of claim 1, wherein said reflector comprise an elliptical reflector.

10-22. (cancelled)

23. (previously presented) A method of forming a reflector assembly used in digital projectors, comprising:

affixing a startup element to a reflector such that said startup element is supported at a predetermined location within said reflector prior to coupling of a lamp assembly with said reflector assembly; and

coupling a latching assembly to an opening defined in said reflector wherein said startup element and said latching assembly cooperate to allow replaceable coupling of a lamp assembly to said reflector assembly.

24. (original) The method of claim 23, wherein said startup element comprises a startup coil.

25. (original) The method of claim 23, further comprising coupling a wire to said startup element wherein said wire is configured to couple said startup element to a potential source.

26. (original) The method of claim 25, further comprising:

coupling a structural element to said reflector for supporting said startup element;

wherein said wire runs along said structural element.

27. (original) The method of claim 25, wherein said wire comprises a structural element configured to support said startup element.

28. (original) The method of claim 23, wherein said latching assembly is configured to engage a lamp header of said lamp assembly.

29. (original) The method of claim 23, wherein said reflector comprises a parabolic reflector.

30. (original) The method of claim 23, wherein said reflector comprise an elliptical reflector.

31-34. (cancelled)

35. (previously presented) A reflector assembly for use in a digital projector, comprising:

a reflector including a reflector opening,

a startup element fixedly coupled to said reflector,

a support structure, separate from a lamp assembly, for fixedly coupling said startup element to said reflector, said support structure being coupled to said reflector and to said startup element to support said startup element within said reflector,

wherein said startup element is configured to receive a portion of a lamp assembly that is removably coupled to said reflector assembly.

36. (previously presented) The assembly of claim 35, wherein said startup element comprises a coil.

37. (previously presented) The assembly of claim 35, wherein said startup element comprises a shield.

38. (previously presented) The assembly of claim 35, wherein said support structure further comprises a potential coupler configured to couple said startup element to a potential source.

39. (previously presented) The assembly of claim 38, wherein said support structure comprises a rod and said potential coupler comprises a wire running along said rod.

40. (previously presented) The assembly of claim 35 wherein said support structure is also coupled to a potential source to provide a potential to said startup element.

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None

XI. Certificate of Service

None